

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 : **NO. 5:20-cr-2021-207**
 v. :
 :
 JOSHUA OBED ALTRUZ :

DEFENDANT JOSHUA OBED ALTRUZ’S SENTENCING MEMORANDUM

I. INTRODUCTION:

Defendant, Joshua Obed Altruz (hereinafter, “Altruz”) appeared before this Honorable Court on September 1, 2021 and entered a guilty plea to 2 counts of Robbery Which Interferes With Interstate Commerce, 18 U.S.C. § 1951(a) and 2 counts of Carrying, Using, and Brandishing a Firearm During and in Relation to a Crime of Violence, 18 U.S.C. § 924(c)(1). The plea was entered open, with no agreement as to sentence. The offenses occurred on February 6, 2020, at which time Altruz robbed the Taylor Family Fuel and Mini Mart and the Rite Aid Pharmacy both in the City of Bethlehem, Northampton County, Pennsylvania.

A presentence investigative report was prepared on October 29, 2021 and the matter is scheduled for sentencing before the Honorable Edward G. Smith on December 9, 2021 at 10:00 AM in 4th Floor Courtroom, United States Federal Courthouse in Easton Pennsylvania.

II. BACKGROUND:

Altruz concurs with the recitation of facts of the incidents of the robberies presented by the government. Defendant would only point out that at no time

during either of the incidents did he remove the weapon from his waistband and pointed at the victim's.

III. SENTENCING CALCULATION:

A. STATUTORY MAXIMUM SENTENCE

Altruz likewise agrees with the Government's statement of potential maximum sentences.

B. SENTENCING GUIDELINE CALCULATIONS

Once again, Altruz agrees with the Government's statement of the guideline calculations. Those calculations establishing a range of sentence of 37 to 46 months of imprisonment plus 168 months consecutive to the aforementioned imprisonment. Those calculations are based upon a total offense level of 20 and a criminal history category of II.

IV. SENTENCING FACTORS:

A. Nature and Circumstances of the Offenses

Altruz admits that the nature and circumstances of the crimes which he committed are serious and require appropriate redress. A fact which is important is that though he carried and brandished a firearm he never removed it from his waistband nor intended to do so.

B. History and Characteristics of the Defendant

Altruz's history is significant in that he suffered from physical, mental and sexual abuse growing up and during those formative years he did not have a stable home life. These factors were compounded by his suffering mental

illness which was only discovered, diagnosed and addressed while he was incarcerated on the charges.

Altruz was born in Spokane Washington on October 17, 1995 and shortly thereafter moved to Puerto Rico where he was raised by his mother, maternal grandparents and maternal aunt. His family was abandoned by his father when he was approximately 2 years old and his maternal grandfather was his only father figure. While living in Puerto Rico at the age of approximately 7 years old he was sexually abused on a number of occasions by a great uncle and was threatened by that uncle, thereafter regarding the sexual abuse.

His family lived in Puerto Rico until he was in the 9th grade when he with his mother and sister moved back to the continental United States and resided in Oregon for a short period, after which they moved to Bethlehem, Pennsylvania and lived with his maternal grandparents. His mother then became involved with a man by the name of Carlos Davila. Davila was extremely abusive to Altruz's mother as well as Altruz and his sister. During this period of time the family moved frequently as Davila did not have steady employment and Altruz began to resent his mother for staying with Davila and allowing him to abuse her as well as him and his sister.

The family has a history of mental illness commencing with his mother who is diagnosed with bipolar disorder which has caused hospitalizations for treatment. Though his mother never sought evaluation and diagnosis for Altruz he suffered with bipolar disorder, depression and anxiety which were only discovered during his incarceration in Lehigh County prison on these charges.

Prior to committing these crimes on at least one occasion Altruz became so depressed that he contemplated suicide. Given his mental conditions Altruz began abusing alcohol, benzodiazepines, opiates and marijuana. He believed that because he was able to maintain steady employment, he didn't believe that he had a drug or alcohol problem.

While in Lehigh County prison he committed Altruz committed multiple misconducts prior to the diagnosis and treatment for his mental conditions. Since being diagnosed and treated he has functioned much better and in an effort to improve himself and take advantage of instruction offered at the prison. Altruz enrolled in and successfully completed courses in conflict resolution and anger management.

C. The Need to Avoid Unwarranted Sentence Disparities Among Similarly Situated Defendants

Now that Altruz has been diagnosed and is being treated for his mental conditions he has a better understanding of why his life has evolved in the way that it has. He believes that moving forward in his life he will be in a better position to make proper decisions and not be involved in any antisocial behavior. He believes that for the purposes of the sentencing this Honorable Court should take in consideration the abuses that he suffered and his inability to deal with them in an appropriate manner given his undiagnosed mental conditions. This is a circumstance based upon which this Honorable Court may depart downward from the sentencing guidelines.

F. Restitution

Altruz takes no issue with the Government's requested restitution amount.

VI. CONCLUSION

Altruz represents that given all of the information presented that his sentence should be established at no more than 14 years.

MCLAIN & ASSOCIATES

/s/Erv D. McLain

Erv D. McLain, Esquire

I.D. No. 38795

559 Main Street, Suite 214

Bethlehem, PA 18018

Ph. (610) 866-9700

fax (610) 866-9720

Date: December 7, 2021

CERTIFICATE OF SERVICE

I hereby certify that this Sentencing Memorandum has been served the following by electronic transfer:

Kelly A. Fallenstein
E-mail: Kelly.Fallenstein@usdoj.gov

/s/ Erv D. McLain
Erv D McLain
McLain & Associates